

JUL 05 2006

Application No. 10/032,228  
Response to Final Office Action mailed 1/23/06  
Page 2 of 8

### REMARKS

Responsive to the Final Office Action mailed January 23, 2006, Applicants provide the following. Eighty-seven (87) claims remain pending in the application: Claims 1-12, 14-23, 25-34, 36-59, 61-68, 70-78, and 80-93. Additionally, Applicants note that this response is timely filed with a three-month extension of time. Reconsideration of claims 1-12, 14-23, 25-34, 36-59, 61-68, 70-78, and 80-93 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### Summary of Applicant Initiated Examiner Interview

1. Per 37 CFR § 1.133(b), the following is a brief summary of the Examiner interview conducted June 28, 2006 via telephone between Kurt M. Eaton and Scott J. Menghini, Agent and Attorney of Record, and Examiner Pramila Parthasarathy.

No exhibits were shown or demonstrations conducted. The claim that was discussed was independent claim 1. Applicants verbally noted, however, that the subject matter discussed with respect to claim 1 was similarly recited in independent claims 12, 23, 34, 47, 58, 67, and 76. The prior art reference that was discussed was U.S. Patent App. Pub. No. 2002/0141591 to Hawkes et al.

The principal arguments discussed during the interview are identified as follows: (1) claims 1-12, 14-23, 25-34, and 36-57 comply with the requirements of 35 U.S.C. § 112, first and second paragraphs; and (2) Hawkes et al. does not anticipate claims 1-3, 8, 9-12, 14, 17, 19, 21-23, 25, 28, 30, 33, 34, 36, 39-41, 46-48, 58, 61, 63, 67, 70, 72, 75, 76, and 80-93 under 35 U.S.C. § 102(e). It will be appreciated that the general nature or thrust of the principal arguments identified above can be understood in the context of the application file, including the arguments presented below.

The Examiner agreed to reconsider the rejections under 35 U.S.C. § 112, first and second paragraphs in light of the arguments presented during the interview and elaborated upon below. The Examiner further agreed that Hawkes et al. does not anticipate the pending claims and

453150\_1

Application No. 10/032,228  
Response to Final Office Action mailed 1/23/06  
Page 3 of 8

indicated that the rejection under 35 U.S.C. § 102(e) would be withdrawn.

**Claim Rejections - 35 U.S.C. §112**

2. Claims 1-12, 14-23, 25-34, 36-57 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is traversed and reconsideration is respectfully requested.

The aforementioned claims stand rejected because they recite the phrase “subsequent message” – a phrase asserted not to be supported by the specification.

Applicants respectfully submit, however, that the subject matter of the claim need not be described literally in order for the written description requirement to be satisfied. See M.P.E.P. § 2163.02. Rather, all that is required is that the specification convey “with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed.” *Id.* Applicants submit that the present specification conveys, with reasonable clarity to those skilled in the art, that Applicants were in possession of the invention as now recited in the claims.

For example, FIGS. 1B and 2 of the present application illustrate a wireless module 110 that may be coupled to either a host device or a peripheral device (see present application, page 5, lines 11-22). As shown in FIG. 2, the wireless module 110 comprises a radio 108. The radio may be “any radio frequency (RF) transceiver known in the art to allow wireless module 110 to transmit and receive communication signals” (see present application, page 6, lines 19-20). Further, the present application repeatedly indicates that communication between host and peripheral devices is achieved by transmitting and receiving messages (see, for example, page 7, lines 1-7, page 8, lines 1-6, and FIGS. 4A-8). Moreover, FIG. 5 of the present application illustrates a host method 500 wherein, at block 508, a key distribution message is transmitted to a peripheral device and, at block 512, the host communicates with the peripheral device using a host device encryption key (these procedures are also described at page 12, lines 5-13 of the present application). As is clearly shown and described, the procedure described at block 512 occurs after (i.e., is subsequent to) the procedure described at block 508. Similarly, FIG. 6 of the present application illustrates a peripheral method 600 wherein, at block 604, a distribution message is received from a host device and, at block 614,

453150\_1

Application. No. 10/032,228  
Response to Final Office Action mailed 1/23/06  
Page 4 of 8

the peripheral device communicates with the host device using a host device encryption key (these procedures are also described at page 13, lines 5-21). As is clearly shown, the procedure described at block 604 occurs after (i.e., is subsequent to) the procedure described at block 614. Moreover, at page 13, lines 18-21, the present application states "[t]hereafter, whenever the peripheral wishes to communicate with a specific host device 10, it sets the encryption key to the corresponding shared host secret key... and communicates with the host device 10." Applicants respectfully submit that the above-cited phrase could equivalently be written "[s]ubsequently, whenever the peripheral wishes to communicate..." without changing the meaning of that sentence.

In view of the exemplary citations provided above, Applicants respectfully submit that the specification reasonably conveys to one skilled in the art that Applicants were in possession of, for example, "a radio configured to transmit the message over a wireless network and configured to receive a subsequent message over the wireless network," as recited in claim 1; "transmitting, from the module, a message ... and receiving, at the module, a subsequent message," as recited in claim 12 (and as similarly recited in claims 23 and 34); and "a radio configured to receive a message over a wireless network from a host and to transmit a subsequent message over the wireless network," as recited in claim 47. Therefore, Applicants submit that the present rejection under 35 U.S.C. § 112, first paragraph, is overcome and should be withdrawn.

3. Claims 1-12, 14-23, 25-34, 36-57 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is traversed and reconsideration is respectfully requested.

The rationale for the present rejection under 35 U.S.C. § 112, second paragraph, is identical to the rationale for the present rejection of claims 1-12, 14-23, 25-34, 36-57 under 35 U.S.C. § 112, first paragraph. Thus, for at least the reasons presented above, Applicants respectfully submit that the present rejection under 35 U.S.C. § 112, second paragraph, is overcome and should be withdrawn.

453150\_1

Application No. 10/032,228  
Response to Final Office Action mailed 1/23/06  
Page 5 of 8

**Claim Rejections - 35 U.S.C. §102**

4. Claims 1-3, 8, 9-12, 14, 17, 19, 21-23, 25, 28, 30, 33, 34, 36, 39-41, 46-48, 58, 61, 63, 67, 70, 72, 75, 76, 80-93 stand rejected under 35 U.S.C. § 102(e), as being allegedly anticipated by Hawkes et al. This rejection is respectfully traversed and reconsideration is requested.

As a preliminary matter, while only claims 1-3, 8, 9-12, 14, 17, 19, 21-23, 25, 28, 30, 33, 34, 36, 39-41, 46-48, 58, 61, 63, 67, 70, 72, 75, 76, 80-93 are specifically identified as being rejected under 35 U.S.C. § 102(e), Applicants note that all of the pending claims are currently rejected (see paragraphs 10-28 of the present office action). For purposes of enhancing the clarity of the prosecution history record, Applicants submit that claims 1-12, 14-23, 25-34, 36-59, 61-68, 70-78, and 80-93 currently stand rejected under 35 U.S.C. § 102(e), as being allegedly anticipated by Hawkes et al.

As set forth at M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Regarding independent claim 1, Applicants respectfully submit that Hawkes et al. fail to disclose, either expressly or inherently, a radio (e.g., BS 204) that transmits a message containing a first encryption key that is encrypted with a second encryption key over a wireless network, and that radio is also configured to receive a subsequent message over the wireless network, the subsequent message encrypted with the first encryption key, as recited in claim 1.

In contrast, Hawkes et al. disclose a method of encrypting broadcast (i.e., unidirectional) communications in which the receiving devices (e.g., the MSs 206 containing UIMs 308/SUMUs 314) do not transmit any subsequent encrypted messages back to the broadcasting device (e.g., the CS 201 and the BS 204). The purpose of Hawkes et al. is to securely provide subscription-based high-speed broadcast services (such as movies, sports events, etc.) to subscribing mobile cellular devices. Hawkes et al. use their encryption method to protect the content broadcast from the content server CS. Generally, it appears as though a registration key (RK) that is unique to the UIM of an MS is provided to both the CS and MS. The CS encrypts a message using the RK that is sent to the MS, the message containing information to compute a broadcast access key (BAK). The CS then encrypts a message using the BAK that is sent to the MS, the message containing

453150\_1

Application. No. 10/032,228  
Response to Final Office Action mailed 1/23/06  
Page 6 of 7

information to compute a short-term key (SK). Then, the CS sends the broadcast content in broadcast messages encrypted with the SK. There is no description or suggestion that there be any subsequent messages from the receiving devices (MS) back to the BS or CS, let alone no description or suggestion to encrypt any such subsequent message with an encryption key that was sent in a previous encrypted communication. In any event, there would be no need to encrypt any communications (if present) from the MS to the CS, since the MS does not provide any subscription-based content back to the CS.

Thus, since Hawkes et al. do not disclose, either expressly or inherently, or even suggest that now recited in claim 1, Hawkes et al. do not anticipate claim 1 nor would Hawkes et al. render claim 1 obvious. Thus, it is respectfully submitted that the rejection of claim 1 and its various dependent claims is overcome and should be withdrawn.

Independent claims 12, 23 and 34 include limitations similar to that found in independent claim 1. Accordingly, as noted above, Hawkes et al. do not expressly or inherently disclose or suggest receiving any encrypted subsequent messages back to the transmitting device (e.g., the CS/BS) from the receiving device (e.g., the MSs). Thus, Hawkes et al. do not expressly or inherently disclose or suggest receiving the second encryption key at a module, transmitting the aforementioned message from the module, and receiving a subsequent message at the module, wherein the subsequent message is encrypted with the first encryption key, as variously recited in amended claims 12, 23 and 34. Thus, it is respectfully submitted that the rejection of claims 12, 23 and 34 and their various dependent claims is overcome and should be withdrawn.

Independent claim 47 recites that the radio is configured to receive a message over a wireless network from a host and to transmit a subsequent message over the wireless network, the received message encoded with the first encryption key and containing a second encryption key, the subsequent message encrypted with the second encryption key. As described above, Hawkes et al. do not expressly or inherently disclose or suggest receiving devices that receive encrypted messages containing an encryption key and that transmit subsequent messages using the decrypted encryption key back to the transmitting device. Thus, it is respectfully submitted the rejection of claim 47 and its various dependent claims is overcome and should be withdrawn.

Regarding independent claims 58, 67 and 76, these claims variously recite that the

453150\_1

Application No. 10/032,228  
Response to Final Office Action mailed 1/23/06  
Page 7 of 7

received message from the host is encrypted by the first encryption key and contains the second encryption key, and that messages encrypted using the second encryption key are then sent back to the host over a wireless network. Again, as described above, Hawkes et al. do not expressly or inherently disclose or suggest receiving devices that receive encrypted messages containing an encryption key and that transmit messages using the decrypted encryption key back to the transmitting device. Thus, it is respectfully submitted the rejection of claims 58, 67 and 76 and their various dependent claims is overcome and should be withdrawn.

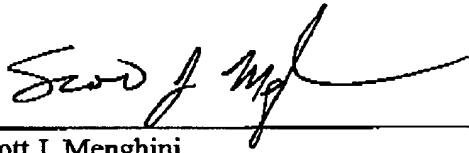
It has been shown above that Hawkes et al. do not expressly or inherently disclose or suggest that recited in claims 1-12, 14-23, 25-34, 36-59, 61-68, 70-78, and 80-93; thus, Hawkes et al. do not anticipate claim 1-12, 14-23, 25-34, 36-59, 61-68, 70-78, and 80-93 nor would Hawkes et al. render claims 1-12, 14-23, 25-34, 36-59, 61-68, 70-78, and 80-93 obvious. Thus, Applicants respectfully submit that the rejection of claims 1-12, 14-23, 25-34, 36-59, 61-68, 70-78, and 80-93 is overcome and should be withdrawn.

### CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: July 5, 2006

  
\_\_\_\_\_  
Scott J. Menghini  
Reg. No. 42,880  
Attorney for Applicants  
(858) 552-1311

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603

453150\_1